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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,459	02/27/2002	Kenneth Robert Mohny	01-4946	1827
39820	7590	07/13/2004	EXAMINER	
EDWARD M. LIVINGSTON, PA 963 TRAIL TERRACE DRIVE NAPLES, FL 34103			VANATTA, AMY B	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 07/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

08

Office Action Summary	Application No.	Applicant(s)	
	10/085,459	MOHNEY, KENNETH ROBERT	
	Examiner	Art Unit	
	Amy B. Vanatta	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 4-8, 11 and 15-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9, 10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination (RCE)

1. The Request filed on 6/18/04 for Continued Examination based on parent Application No. 10/085,459 is acceptable and an RCE has been established. An action on the RCE follows.

Claim Objections

2. Claim 13 is objected to because of the following informalities: "Hang" is misspelled as "hand" in line 6. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 3, 9, 10, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Griffin et al (US 6,505,367).

Griffin et al disclose a hang line towel including a uniformly planar towel 10 and a hang line 14 attached to the top edge of the towel. The hang line 14 has ends

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positioned closely to form a hang loop intermediate the first and second attachment portions as claimed. The first attachment portion (30) is proximate a first top corner and the second attachment portion (28) is a predetermined distance towards the second top corner as claimed. The hang loop encircles the wearer's neck as in claims 1 and 2.

Griffin discloses that the hang line may be formed of two pieces 14a and 14b (see Fig. 4), each piece having a fixed end attached to the towel and the other ends fastening together (col. 4, lines 34-36). With these pieces 14a, 14b attached together at 42, they form the claimed hang line with two ends connected to the towel (i.e. the two fixed ends). The fastener 42 forms the claimed tension release fastener which is positioned on the hang line (14) intermediate the first and second attachment portions. The fastener 42 is a releasable fastener such as Velcro hook and loop material (col. 3, lines 24-28; col. 4, lines 39-40). Such a fastener functions as a tension release fastener since it clearly would allow tension release of the attachment. Griffin calls such Velcro fasteners "quick release" fasteners (col. 4, lines 28-30).

The towel 10 extends predeterminedly down from the towel hang portion and extends from a first side of the individual which is below the first top corner of the towel to a second side of the individual as claimed (see Fig. 2). The towel has a bottom edge 18 which is unattached as shown in Fig. 2, allowing the towel to hang freely as claimed. The towel can be moved upwardly to wipe the individual's torso as claimed. See Fig. 3, which clearly shows the towel being moved upwardly and col. 5, lines 2-3, which disclose that the bottom edge is pulled upwardly toward the top edge. Although the reason for moving the towel upwardly is different in Griffin than in claim 1 (i.e. Griffin

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moves the towel upwardly in order to wipe an infant rather than to wipe the wearer), such a recitation amounts to the intended use of the device and does not further define the claimed structure over that of Griffin.

The towel extends to proximate a mid section of the torso as in claim 3 (see Fig. 2). Griffin teaches that the hang line 20 may be made out of soft, flexible material such as woven textiles (col. 4, lines 21-23), thus material being a "cloth fabric" as in claim 14.

Regarding claim 13, Griffin teaches that the fastener 42 may comprise snaps (col. 4, line 40). Snaps form a tension release fastener since snaps clearly would allow tension release of the attachment. If snaps are used as the fasteners 42, as taught in col. 4, line 40, these snaps would be positioned on opposing mating ends of pieces 14a, 14b. Thus, the male component of the snap (or of the outermost snap if multiple snaps are used) would be attached to one attachment portion of the hang line at an outer end of the attachment portion and the female component of the snap comprises a recess which is attached to the other attachment portion of the hang line at an outer end of the other attachment portion, so as to connect the two attachment portions of the hang line to one another.

Griffin discloses that the towel includes pouches 42 for holding items (col. 5, lines 18-19), which Griffin states is shown in Fig. 3 (although the Examiner could not locate pouches 42 in Fig. 3 of Griffin). Such pouches on the second side 36 of the towel of Griffin form at least one pocket, as in claim 10. The pouch (or pouches) also forms a "valuables container" as in claim 9, the pouch being articulated to receive and retain at least one item predeterminedly as claimed. It is noted that the recitation of the use of

the container to hold items which are "valuable" amounts to the manner of intended use and does not define the structure over that of Griffin.

5. Claims 1, 2, 3, 9, 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Frye (US 6,334,220).

Frye discloses a garment protector which forms a hang line towel. Frye discloses that the protector may comprise an absorbent towel (col. 3, lines 15-16 and col. 4, lines 49-50) and includes a hang line 12. The hang line (support 12) is attached to the top edge of the towel and has ends positioned closely as a hang loop intermediate the first and second attachment portions as claimed (see Fig. 1). The first attachment portion is proximate a first top corner (see upper left of bib portion) and the second attachment portion is a predetermined distance (i.e. the width of the bib portion) towards the second top corner as claimed. The hang loop encircles the wearer's neck as in claims 1 and 2. Frye discloses that the hang line may be formed of two pieces, each piece having a fixed end attached to the towel and the other ends (56,58) fastening together (col. 3, lines 64-57; Figs. 4 and 5). With these pieces 56,58 attached together, they form the claimed hang line with two ends connected to the towel (i.e. the two fixed ends). The fastener (col. 3, line 67 – col. 4, line 2; or "60" in Fig. 5) forms the claimed tension release fastener which is positioned on the hang line intermediate the first and second attachment portions. The fastener is a releasable fastener such as Velcro hook and loop material (col. 4, line 1). Such a fastener functions as a tension release fastener since it clearly would allow tension release of the attachment.

The towel extends predeterminedly down from the towel hang portion and extends from a first side of the individual which is below the first top corner of the towel to a second side of the individual as claimed. The towel has a bottom edge which is unattached, allowing the towel to hang freely as claimed. The towel can be moved upwardly to wipe the individual's torso as claimed. The towel is comprised of a uniformly planar sheet 48 (see Fig. 2), as claimed.

Frye discloses that the device covers the stomach of the user (col. 3, lines 13-15), thus extending to proximate a mid section of the torso as in claim 3. The towel includes a pocket 34 as in claim 10. The pocket forms a "valuables container" as in claim 9, and has adhesive 36 thereon to hold the pocket closed to retain items therein.

Regarding claim 13, Frye teaches that the releasable fastener may comprise a snap (col. 4, line 1, see "60" in Fig. 5). A snap forms a tension release fastener since a snap clearly would allow tension release of the attachment. If a snap is used as the fastener, as taught in col. 4, line 1, the snap components would be positioned on opposing mating ends of pieces 56,58. Thus, the male component of the snap would be attached to one attachment portion of the hang line at an outer end of the attachment portion (56 or 58) and the female component of the snap comprises a recess which is attached to the other attachment portion of the hang line at an outer end of the other attachment portion (other of 56,58), so as to connect the two attachment portions of the hang line to one another.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin (US 6,505,367) in view of Burton (US 5,960,471).

Griffin discloses a towel as claimed, however the towel does not have a hook fastener to fasten items to the towel, as in claim 12. Burton discloses a protective garment for use with infants, the garment including a hook fastener 20. That is, the strip 20 forms a hook when looped, or alternatively the hook portion of the Velcro loop forms the hook fastener. This hook fastener 20 is articulated to fasten items to the garment (col. 4, lines 6-8 and Fig. 4). Burton discloses that rings (of the teething type) or keys may be fastened by the hook fastener (col. 4, lines 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a hook fastener on the protective garment of Griffin, such as that shown by Burton, in order to allow attachment of items to the garment so as to maintain the items in a convenient position to be readily available when needed, as shown by Burton.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is 703-308-2939. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amy B. Vanatta
Primary Examiner
Art Unit 3765